

TWENTIETH DAY

(Wednesday, February 16, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

Absent—Excused

Kelley	Owen
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A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

Our Father, we live in two worlds, the permanent and the passing. From the passing Thou doest give us our daily bread; from the permanent forgiveness for sins. Teach us that, "The world passeth away, and the lust thereof, but he that doeth the will of God abideth forever." We pray in Christ's name. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Owen was granted leave of absence for today and the remainder of the week on account of illness in the family on motion of Senator Hardeman.

Senator Kelley was granted leave of absence for today on account of important business on motion of Senator Kazen.

Reports of Standing Committees

Senator Strauss submits the following reports:

Austin, Texas

February 16, 1955

Hon. Ben Ramsey, President of the Senate.

Sir, We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 1, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

STRAUSS, Chairman

Austin, Texas

February 16, 1955

Hon. Ben Ramsey, President of the Senate.

Sir, We your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 3, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

STRAUSS, Chairman

Senator Kazen submitted the following report:

Austin, Texas

February 16, 1955

Hon. Ben Ramsey, President of the Senate.

Sir, We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 22, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that Committee Substitute for S. B. 22 do pass and be printed.

KAZEN, Chairman

C. S. S. B. No. 22 was read first time.

Senator Shireman submitted the following report:

Austin, Texas

February 16, 1955

Hon. Ben Ramsey, President of the Senate.

Sir, We, your Committee on Game and Fish, to whom was referred H. B. No. 151, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SHIREMAN, Chairman

Presentation of Guests

Senator Fly, by unanimous consent, presented Mr. Alvis Lipscomb of

Victoria and Colonel Frank Dunn, Commanding Officer of Victoria Air Force Base to the Members of the Senate.

Senate Bills on First Reading

The following Senate bills were introduced, read first time and referred to the committees indicated:

By Senator Corbin:

S. B. No. 211, A bill to be entitled "An Act relating to rights of injured persons against liability insurers; requiring policies or contracts of liability insurance to contain certain provisions relative to insolvency or bankruptcy of the insured and defining rights of judgment holders to maintain actions against the insurer; authorizing direct actions against liability insurers; requiring foreign insurance companies to consent to direct actions against them; repealing conflicting laws; providing for severability; and declaring an emergency."

To the Committee on Insurance.

By Senator Aikin:

S. B. No. 212, A bill to be entitled "An Act to carry into effect Section 63 of Article XVI of the Constitution of Texas, to provide for credit to members of either the Teacher Retirement System or the Employees Retirement System of Texas for service rendered as either a teacher or person employed in the public schools, colleges, or universities of the State, or as an appointive officer or employee of the State, for retirement benefits under both of said Systems, and declaring an emergency."

To the Committee on Educational Affairs.

By Senator Strauss:

S. B. No. 213, A bill to be entitled "An Act to amend Art. 5.13 (Subchapter B, Chapter 5), of Chapter 491, Acts, 1951, 52nd Legislature, by exempting professional liability insurance from the operation of the single rating law; containing a severability clause; and declaring an emergency."

To the Committee on Insurance.

Senate Concurrent Resolution 17

Senator Moffett offered the following resolution:

S. C. R. No. 17, Relating to an of-

ficial theme song for the Texas Public Schools.

Whereas, The Texas Public School System celebrated its 100th Anniversary in 1954; and

Whereas, After lengthy deliberation, The Texas Public School System, represented by Dr. V. J. Kennedy, State Consultant of Music Education, in collaboration with the Texas Federation of Music Clubs, and the Texas Composers Guild, it was decided to be proper and desirable that an appropriate song commemorating the 100th Anniversary of the establishment of this State's great educational system should be adopted after all Composers were given an opportunity to submit their respective Compositions to a Board of Judges; and

Whereas, The Texas Composers Guild was nominated to arrange for a competitive contest to select the best song submitted, and to appoint Judges to evaluate all compositions submitted, and select therefrom the best offered; and

Whereas, The Texas Composers Guild duly appointed the following Judges:

Dr. Ralph Guenther, Composition Department of the Texas Christian University of Texas;

Hon. Clyde Whitlock, Music Editor of the Fort Worth Star-Telegram, and

Hon. William Marsh, Composer of the official state song, "Texas, Our Texas," and

Whereas, Submission of entries in said contest was closed on February 15, 1954, and thereafter the said Judges proceeded to consider and evaluate the more than seventy (70) compositions submitted; and

Whereas, After full consideration of all songs submitted, the said eminent Judges unanimously selected the song, "Texas Schools, Great and Glorious," composed by Eitel Allen Nelson of Wichita Falls, Texas, and adopted it as the Official Anniversary Song; and

Whereas, It is believed by the said Judges, the State Department of Public Education, the Texas Federation of Music Clubs, and the Texas Composers Guild that the said song, "Texas Schools, Great and Glorious," containing as it does the highest quality of patriotism in the lyrics, and the music is heart-stirring and easily sung, should be adopted by the Texas Legislature as an official theme song of the Public Schools of Texas; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the said song and music, "Texas Schools, Great and Glorious," be and is hereby adopted as an official theme song of the Public School System of Texas; and be it further

Resolved, That this Resolution be recorded in the Journal, and that a verified copy thereof, under seal, be sent to Eitel Allen Nelson, Wichita Falls, Texas, in recognition of his outstanding service to the Public School System.

The resolution was read.

Senator Ashley moved that the resolution be sent to a Standing Committee for further study.

Senator Moffett moved to suspend the regular order of business and that S. C. R. No. 17 be considered immediately.

Question first on the motion to consider immediately, the motion was lost.

Question recurring on the motion to send the resolution to a committee, the motion prevailed.

The resolution was then referred to the Committee on State Affairs.

Senate Concurrent Resolution 18

Senator Rogers of Travis offered the following resolution:

S. C. R. No. 18, Relating to study by the Legislative Council of feasibility of training seeing-eye dogs by Texas State School for Blind.

Whereas, There are more than thirteen thousand blind people in the State of Texas; and

Whereas, Less than one hundred and twenty of these blind citizens have the ownership and use of trained guide dogs; and

Whereas, The possession of guide dogs would make it possible for hundreds of these blind persons to travel at will without additional help and would enable them to become gainfully employed which would make them self-supporting; and

Whereas, Under the present circumstances it is extremely difficult for many of these persons to secure guide dogs because adequate and qualified schools to provide such guide dogs are scarce, far-removed and highly restricted as to the acceptance of applicants, making it physically

and financially impossible for many of the blind citizens of Texas who desire and need this assistance to secure the services of such dogs; and

Whereas, An interim committee, appointed during the 53rd Legislature, has made a preliminary study of established facilities for raising and training guide dogs; and

Whereas, The work of the committee is complete and it is their recommendation that the Texas Legislature direct a further study of this problem to the Legislative Council for a more detailed report; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that the 54th Legislature direct the Texas Legislative Council to make a study of this problem, going more into detail of each phase of such undertaking to determine whether or not it would be feasible and possible to set up as an additional course of instruction in the Texas State School for the Blind in Austin, or at some other appropriate location in the State of Texas, the necessary facilities for carrying out a program which will make available guide dogs to more blind people of the State of Texas; and, be it further

Resolved, That the Legislative Council shall complete its investigation at the earliest practicable time within the two-year period and submit to both Houses of the 55th Legislature a written report of its findings and recommendations.

The resolution was read and was referred to the Committee on State Affairs.

House Bill 19 on Second Reading

Senator Weinert moved that Senate Rules 38 and 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 19 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kazen
Bracewell	Lane
Colson	Latimer
Corbin	Lock
Fly	Martin
Fuller	McDonald
Hardeman	Moffett
Hazlewood	Moore

Parkhouse	Secrest
Phillips	Shireman
Ratliff	Strauss
Roberts	Wagonseller
Rogers	Weinert
of Childress	Willis
Rogers of Travis	

Nays—1

Ashley

Absent—Excused

Kelley

Owen

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 19, A bill to be entitled "An Act amending House Bill 612, Chapter 230, Page 424, Acts of 1947, 50th Legislature, codified as Article 4591d, Vernon's Revised Civil Statutes, so as to provide that any bank or trust company doing business in this State may, at its option, close for general banking purposes on Saturday or on any other weekday and that such day shall be deemed to be a legal holiday for all purposes unless such bank elects to perform limited banking services on such day; etc., and declaring an emergency."

The bill was read the second time.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 19, Section 1c, the first sentence thereof, Pages 3 and 4, by striking out the word "only."

On motion of Senator Weinert, the amendment was tabled by the following vote:

Yeas 21

Ashley	McDonald
Bracewell	Moffett
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Hardeman	Rogers of Travis
Hazlewood	Shireman
Kazen	Strauss
Lane	Weinert
Latimer	Willis
Lock	

Nays—8

Aikin	Rogers
Fuller	of Childress
Martin	Secrest
Moore	Wagonseller
Roberts	

Absent—Excused

Kelley

Owen

The bill was passed to third reading.

Record of Vote

Senator Moffett, Martin, Aikin, McDonald, Ashley and Moore asked to be recorded as voting "Nay" on the passage of H. B. No. 19 to third reading.

House Bill 19 on Third Reading

Senator Weinert moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 19 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Moffett	Weinert
Moore	Willis

Nays—4

Aikin
AshleyMartin
McDonald

Absent—Excused

Kelley

Owen

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Bracewell	Lock
Colson	Moore
Corbin	Parkhouse
Fly	Phillips
Fuller	Ratliff
Hardeman	Roberts
Hazlewood	Rogers of Travis
Kazen	Secrest
Lane	Shireman
Latimer	Strauss

Wagonseller
Weinert

Willis

Nays—6

Aikin
Ashley
Martin
McDonald

Moffett
Rogers
of Childress

Absent—Excused

Kelley

Owen

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 16, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 58, A bill to be entitled "An Act amending the Texas Liquor Control Act so as to provide that the inspection fee or charge provided in Section 21 of Article I of the Texas Liquor Control Act, on liquor (vinous, malt or spirituous) exported from this State shall not exceed the sum of Five (\$5.00) Dollars per shipment; repealing laws in conflict herewith to the extent of such conflict; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives.

(President Pro Tempore in Chair.)

House Bill 104 on Second Reading

Senator Moffett moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 104 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin
Ashley
Bracewell
Colson
Corbin
Fly
Fuller
Hardeman
Hazlewood
Kazen
Lane
Latimer

Lock
Martin
McDonald
Moffett
Moore
Parkhouse
Phillips
Ratliff
Roberts
Rogers
of Childress
Rogers of Travis

Secrest
Shireman
Strauss

Wagonseller
Weinert
Willis

Absent—Excused

Kelley

Owen

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 104, A bill to be entitled "An Act repealing Chapter 85, Acts 1919, 36th Legislature, second called session, local and special laws, creating a more and efficient road system for Wichita County, Texas, and validating bonds voted by Wichita County for the purpose of constructing and improving roads and bridges in said county and acquiring necessary rights-of-way therefor; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 104 on Third Reading

Senator Moffett moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 104 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin
Ashley
Bracewell
Colson
Corbin
Fly
Fuller
Hardeman
Hazlewood
Kazen
Lane
Latimer
Lock
Martin
McDonald

Moffett
Moore
Parkhouse
Phillips
Ratliff
Roberts
Rogers
of Childress
Rogers of Travis
Secrest
Shireman
Strauss
Wagonseller
Weinert
Willis

Absent—Excused

Kelley

Owen

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

Absent—Excused

Kelley	Owen
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Presentation of Guest

Senator Willis, by unanimous consent, presented Mr. Mason Lankford, County Fire Marshal of Tarrant County, to the Members of the Senate.

House Bill 358 on Second Reading

Senator Hardeman moved that Senate Rules 38 and 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 358 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

Absent—Excused

Kelley	Owen
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The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 358, A bill to be entitled "An Act changing the name of 'McKnight State Sanatorium' created by

House Bill 373, Ch. 343, Acts of the 52nd Leg., Regular Session, 1951, to McKnight State Tuberculosis Hospital; providing that all laws heretofore or hereafter enacted by the Legislature applicable or relating to 'McKnight State Sanatorium' shall be applicable and relate to McKnight State Tuberculosis Hospital; providing that all appropriations heretofore or hereafter made by the Legislature for the use and benefit of 'McKnight State Sanatorium' shall be available for the use and benefit of McKnight State Tuberculosis Hospital; ratifying existing contracts; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 358 on Third Reading

Senator Hardeman moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 358 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

Absent—Excused

Kelley	Owen
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Fuller
Ashley	Hardeman
Bracewell	Hazlewood
Colson	Kazen
Corbin	Lane
Fly	Latimer

Lock	Rogers
Martin	of Childress
McDonald	Rogers of Travis
Moffett	Secrest
Moore	Shireman
Parkhouse	Strauss
Phillips	Wagonseller
Ratliff	Weinert
Roberts	Willis

Absent—Excused

Kelley Owen

House Bill 87 on Second Reading

Senator Ashley moved that Senate Rules 38 and 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 87 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moore
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Fuller	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Nays—1

Hardeman

Absent—Excused

Kelley Owen

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 87, A bill to be entitled "An Act regulating wildlife resources in Medina County; amending Section 1 of Chapter 120, Acts of the 53rd Legislature, Regular Session, as amended by Chapter 10, Acts of the 53rd Legislature, First Called Session, so as to add Medina County to the list of counties to which that law applies; fixing the effective date and duration of this Act; and declaring an emergency."

The bill was read second time and passed to third reading.

Record of Vote

Senator Hardeman asked to be re-

corded as voting "Nay" on the passage of H. B. No. 87 to third reading.

House Bill 87 on Third Reading

Senator Ashley moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 87 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moore
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Fuller	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Nays—1

Hardeman

Absent—Excused

Kelley Owen

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on final passage of H. B. No. 87.

House Bill on First Reading

The following bill received from the House was read the first time and was referred to the committee indicated:

H. B. No. 268, To the Committee on Educational Affairs.

House Bill 151 Ordered Not Printed

On motion of Senator Strauss, and by unanimous consent, H. B. No. 151 was ordered not printed.

Recess

On motion of Senator Moffett the Senate at 11:54 o'clock a. m. took recess until 11:00 o'clock a. m. tomorrow.

In Memory of
Mr. Gustav K. Fladger

Senator Roberts offered the following resolution:

(Senate Resolution 71)

Whereas, On February 6, 1955, our Heavenly Father in His infinite wisdom did call from his earthly home Mr. Gustav Knight Fladger; and

Whereas, Mr. Fladger was born August 7, 1891, at Jefferson, Texas, and was editor and publisher of the Honey Grove Signal-Citizen, Honey Grove, Texas, for the past 14 years; and

Whereas, In the course of his life of service to his community, Mr. Fladger was a member of the McKenzie Methodist Church and its Board of Stewards, the Lions Club, the Farmers and Merchants Progressive Club and the American Legion, having served as the commander of the 4th District of Texas; and

Whereas, Mr. Fladger is survived by his widow, Mrs. Lucille Fladger; one daughter, Mrs. Robert L. Gerhart, Santa Fe, New Mexico; one sister, Mrs. E. T. Campbell, Pittsburg, Texas; and two brothers, Joseph Fladger, Lowell, Arkansas, and Ralph Fladger, Springdale, Arkansas; now, therefore, be it

Resolved, By the Senate of Texas, that a page in the Journal be dedicated to the memory of this respected gentleman; and that we here and now extend our deepest sympathy to the entire family; and, be it further

Resolved, That the Secretary of the Senate be instructed to send copies of this Resolution to the immediate surviving members of the family; and that when the Senate adjourn today, it do so in his memory.

ROBERTS

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Colson, Corbin, Fly, Fuller, Hardeman, Hazlewood, Kazen, Kelley, Lane, Latimer, Lock, Martin, McDonald, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Rogers of Childress, Rogers of Travis, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Ratliff the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.